



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,849	05/31/2000	Marcos N. Novaes	POU9-2000-0008-US1	4360

7590 05/14/2004  
Blanche E Schiller Esq  
Heslin & Rothenberg PC  
5 Columbia Circle  
Albany, NY 12203

EXAMINER
----------

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 05/14/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/583,849

Applicant(s)

NOVAES ET AL.

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, and 4-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 14, 25, and 26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-6, 15-17, and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 4, 15, and 27 the meaning of the phrase "retrieving from said one or more subnetwork objects an indication of the one or more network objects" is unclear.

Specifically, it is not clear where in the mapping function these methods would be enacted.

5. Claims 5, 6, 16, 17, 28, and 29 are rejected because they are dependent on claims 4, 15, and 27. If the 35USC 112 rejection is overcome, these claims would be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2153

7. Claims 1, 7-14, 18-26, and 30-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitkin et al. (USPN 5,341,477).

8. Regarding claims 1, 14, 25, and 26, Pitkin et al. (USPN 5,341,477) teach a system for controlling system traffic of a clustered computing environment with means for:

- a. Mapping one or more node addresses, for a service to be provided, to one or more network objects defined for the service wherein the mapping of a node address comprises performing one or more operations on the node address to locate a particular network object of a plurality of network objects, the particular network object corresponding to the node address and including a network priority assigned to the node address for the service to be provided, the network priority indicating an order of preference for using one network over another network to access the service (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27). Note that the client accesses the broker via an address and then an operation is performed to provide a provider server address.
- b. Obtaining from the one or more network objects, one or more network priorities of the service (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).
- c. Contacting the service based on the one or more network priorities (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

Art Unit: 2153

9. Regarding claims 7, 18, and 30, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means for ordering the one or more priorities (column 6, lines 61-65).

10. Regarding claims 8, 19, and 31, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means wherein the service comprises a system registry (column 6, lines 39-42).

11. Regarding claims 9, 20, and 32, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means wherein a network object of the one or more network objects is associated with one or more subnetworks, and a subnetwork of the one or more subnetworks is associated with one or more nodes having one or more node addresses (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

12. Regarding claims 10, 21, and 33, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means wherein the traffic for the service is restricted to one or more networks specified for that service (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

13. Regarding claims 11, 22, and 34, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means for obtaining the one or more node addresses (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

14. Regarding claims 12, 23, and 35, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 11, 22, and 34. They further teach means wherein the obtaining is

Art Unit: 2153

dependent on the service to be provided (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

15. Regarding claims 13, 24, and 36, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 11, 22, and 34, respectively. They further teach means wherein the service comprises a system registry service, and the obtaining comprises obtaining the one or more node addresses from a local configuration (column 6, lines 39-42).

### *Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

a. Page et al. (USPN 5,329,619)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

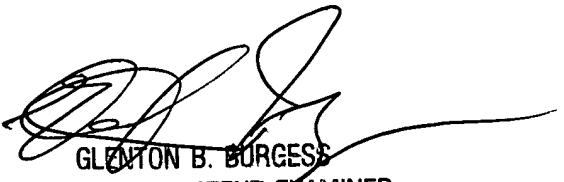
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2153

Kevin Parton  
Examiner  
Art Unit 2153

ksp



GLENDON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100